APPENDIX

Statutory Provisions and Rules Involved

28 U. S. C. § 1915. Proceedings in forma pauperis

(a) Any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that he is entitled to redress.

An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.

* * * * *

(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action is frivolous or malicious. * * * As amended October 31, 1951, c. 655, § 51 (b, c), 65 Stat. 727; Sept. 21, 1959, Pub. L. 86-320, 73 Stat. 590.

The Court Reporter Act, 62 Stat. 922, 28 U. S. C. § 753(b):

One of the reporters appointed for each such court shall attend at each session of the court and at every other proceeding designated by rule or order of court or by one of the judges, and shall record verbatim by shorthand or by mechanical means: (1) all proceedings in criminal cases had in open court; (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall specifically agree to the contrary; and (3) such other proceedings as a judge of the court may direct or as may be required by rule or order of court or as may be requested by any party to the proceeding.

Federal Rules of Criminal Procedure

Rule 52(b). Plain Error. Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court.

Rules of the United States Court of Appeals for the District of Columbia Circuit

Rule 33(b)(2) In Appeals in Forma Pauperis.

(i) Where Petitioner is Not Represented by Counsel.

The petition of an indigent not represented by counsel, seeking leave to proceed on appeal in forma pauperis, shall be considered by the court to which it is addressed as also encompassing a request for the preparation of a transcript of the evidence or proceedings at the expense of the United States. If the court allows the appeal in forma pauperis, the court shall then also determine at the same time whether, and to what extent, a transcript will be necessary for the proper determination of the appeal. If the court determines that a transcript will be required, then in the same order authorizing the appeal in forma pauperis the court will also direct that an appropriate transcript be prepared and furnished to the appellant at the expense of the United States.